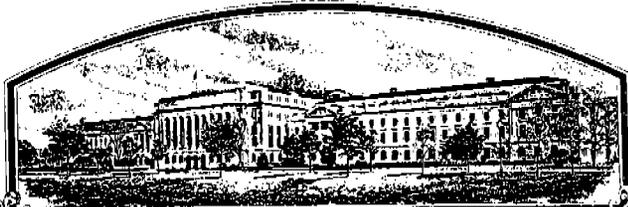


No.

780033



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Joseph Harris Co., Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

RADISH

'Fancy Red'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 21st day of December in the year of our Lord one thousand nine hundred and seventy-eight

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

| | | | | | |
|--|--|--|--|---|--|
| 1a. TEMPORARY DESIGNATION OF VARIETY <u>A/1956</u> | | 1b. VARIETY NAME <u>FANCY RED</u> | | FOR OFFICIAL USE ONLY PV NUMBER <u>7800033</u> | |
| 2. KIND NAME <u>RADISH</u> | | 3. GENUS AND SPECIES NAME <u>Raphanus sativus</u> | | FILING DATE <u>3-17-78</u> TIME <u>3:00</u> A.M. <input checked="" type="checkbox"/> P.M. | |
| 4. FAMILY NAME (BOTANICAL) <u>CRUCIFERAE</u> | | 5. DATE OF DETERMINATION <u>January 1978</u> | | FEE RECEIVED \$ <u>250.00</u> DATE <u>3-17-78</u> \$ <u>250.00</u> <u>3-17-78</u> \$ <u>250.00</u> <u>11-6-78</u> | |
| 6. NAME OF APPLICANT(S) <u>Joseph Harris seed</u> <u>CO., INC.</u> | | 7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <u>3670 Buffalo Road</u> <u>Rochester, New York 14624</u> | | 8. TELEPHONE AREA CODE AND NUMBER <u>(716)</u> <u>594-9411</u> | |
| 9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <u>CORPORATION</u> | | | 10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION <u>NEW YORK</u> | | 11. DATE OF INCORPORATION <u>1928</u> |

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

MR. Joseph Harris,
Joseph Harris ~~seed~~ Co. Inc.
3670 Buffalo Rd.
Rochester, N.Y. 14624

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- 13B. Exhibit B, Novelty Statement.
- 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- 13D. Exhibit D, Additional Description of the Variety.

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a). (If "Yes," answer 14B and 14C below.) YES NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? YES NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? FOUNDATION REGISTERED CERTIFIED

15. Does the applicant(s) agree to the publication of his/her (their) name(s) and address in the Official Journal? YES NO

16. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

Feb. 2 / 1978
(DATE)

Joseph Harris Co. Inc 1
(SIGNATURE OF APPLICANT)
by Joseph Harris Pres.
(SIGNATURE OF APPLICANT)

Feb. 2 / 1978
(DATE)

Harris Seeds

MORETON FARM.....
 ROCHESTER, N.Y., 14624

TEL. 594-9411.....
 or 247-3963.....
 Area Code 716.....

February 2, 1978

13A. Exhibit A, Origin and Breeding History of the Variety

1. FANCY RED was derived from the radish breeding line C4 which was released by Paul H. Williams, from the Department of Plant Pathology, University of Wisconsin.
2. C4 was segregating for disease resistance, top size, maturity, root size, color and shape. Also most of the roots did not have the desired crispiness.
3. Individual plant selection were made from C4. These individual plants were selected for the following characteristics.
 - a. Field resistance to black-root (Aphanomyces raphani), root-scurf (Rhizoctonia solani) and high resistance (greenhouse inoculation) to Fusarium wilt (Fusarium oxysporum f.SP Conglutinans race 2).
 - b. Medium top size (comparable to Cherry Belle)
 - c. Globe-shaped, medium-sized roots, that are bright red in color and exhibit good degree of crispiness, as well as resistance to splitting.
4. After 3-4 generations of repeated single plant selections the characters described in item Number 3 were stabilized in individual plants.
5. Individual plants described in item 4 were mass increased in an isolated plot in the field.
6. Step 5 was followed by three generations of mass selection and mass seed increase.
7. Performance trials in New York, Florida and California convinced us that one of our sub lines, A/1956, is highly stable, uniform and disease resistant.
8. A/1956 was named FANCY RED, and will be released as a novel variety, being distinct, uniform and stable.

JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM.....
ROCHESTER, N.Y., 14624

TEL. 594-9411.....
or 247-3963.....
Area Code 716.....

February 2, 1978

7800033

FANCY RED

13B. Exhibit B, Novelty Statement

FANCY RED has several novel characteristics which are not present in any one single commercial red globe radish variety.

FANCY RED combines resistance to fusarium wilt (Fusarium oxysporum f.SP. Conglutinans race 2), and high field tolerances to black-root (Aphanomyces raphani) and root scurf (Rhizoctonia solani).

In addition to disease resistance, FANCY RED is adapted to a wide range of soil types and climatic conditions. The roots have high degree of crispiness and are resistant to splitting.

Amendment added.

JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM.....
ROCHESTER, N.Y., 14624

TEL. 594-9411.....
or 247-3963.....
Area Code 716.....

August 28, 1978

7800033

FANCY RED RADISH

13B. Exhibit B. Novelty Statement.

"Fancy Red" most closely resembles "Red Prince". However, "Fancy Red" is resistant to black-root caused by Aphanomyces raphani and to root scurf, caused by Rhizoctonia solani, whereas "Red Prince" is susceptible to black-root and root-scurf.

6. ROOT:

SHAPE: 1 = FLATTENED 2 = GLOBE (CHERRY BELLE) 3 = OLIVE (VICK'S SCARLET GLOBE)
 4 = DEEP OLIVE (FRENCH BREAKFAST) 5 = LONG TAPERED (WHITE ICICLE) 6 = LONG CYLINDRICAL

INDEX: mm LENGTH ÷ mm DIAMETER × 10 =

SIZE: 1 = SMALLER 2 = EQUAL 3 = LARGER THAN 1 = CHERRY BELLE
 2 = CRIMSON GIANT
 3 = WHITE ICICLE
 4 = CHINESE WHITE

TAP ROOT: 1 = FINER 2 = EQUAL 3 = COARSER THAN CHERRY BELLE

SOLID COLOR: 1 = RED (CHAMPION) 2 = SCARLET (CHERRY BELLE) 3 = CRIMSON (CRIMSON GIANT)
 4 = WHITE 5 = BLACK 6 = OTHER (Specify) _____

BICOLOR: % _____ (color) % _____ (color)

SKIN: 1 = SMOOTH 2 = ROUGH

7. DISEASE REACTION: (0 = Unknown; 1 = susceptible; 2 = resistant)

FUSARIUM WILT BLACK ROOT BLACK ROT DOWNY MILDEW
 ROOT SCURF SCAB WHITE RUST OTHER (Specify) _____

8. INSECT REACTION:

APHID CABBAGE ROOT MAGGOT FLEA BEETLE
 OTHER (Specify) _____

9. For each character indicate a variety which most closely resembles that submitted.

| CHARACTER | VARIETY | CHARACTER | VARIETY |
|--------------|-------------|---------------------|----------------|
| Size of top | Cherrybelle | Texture (crispness) | Scarlet Knight |
| Size of root | Red Prince | Pungence | Red Prince |
| Shape | Cherrybelle | Market maturity | Red Prince |
| Skin color | Red Prince | Storage life | Red Prince |

COMMENTS:

JOSEPH HARRIS COMPANY, INC.

Harris Seeds

MORETON FARM.....
ROCHESTER, N.Y., 14624

TEL. 594-9411
or 247-3963
Area Code 716.

February 2, 1978

7800033

FANCY RED

13D. Exhibit D, Additional Description of the Variety.

FANCY RED has uniform, medium-sized tops, that are comparable in size to the tops of Cherry Belle. The roots are medium-sized (comparable to Scarlet Knight), and bright red in color. They are uniform globe-shaped, and exhibit good degree of crispiness. The roots also showed resistance to splitting under sub-optimal growing conditions.

FANCY RED reaches the marketable stage in around 25 days. This, however, could vary a little depending on weather and soil conditions. Although FANCY RED performs best under moderate temperatures, it did rather well under higher temperatures. Adequate soil moisture and fertility are necessary for good yield.

FANCY RED combines a number of features which make it suitable for bunching and packaging.

ASSIGNMENT

WHEREAS, Joseph Harris Company, Inc. ("Harris"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates listed in Exhibit A hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Harris, CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS, CP Acquisition Inc., and Exploitiemaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, has purchased from Harris said United States Plant Variety Protection Certificates.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Harris assigns to Orsan all of its rights, title and interest in and to said United States Plant Variety Protection Certificates.

Harris hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Harris agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents HMS does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10th day of January, 1985.

JOSEPH HARRIS COMPANY, INC.,
Assignor

By: David A. Jenkins
David A. Jenkins
Vice President

LES PRODUITS ORGANIQUES DU
SANTERRE-ORSAN S.A.
Assignee

By: [Signature]
Title: Attorney-in-fact

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared David Jenkins who acknowledged that he is Vice President of Joseph Harris Company, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Joseph Harris Company, Inc.

Sworn before me at New York this 10th day
of January, 1985

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared Patrice LeHodey who acknowledged that he is ~~Authorized~~ Attorney in fact of Les Produits Organiques du Santerre-Orsan S.A. the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

Sworn before me at New York this 10th day of January, 1985.

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 1986



United States Plant Variety Protection Certificates

| <u>Cert. No.</u> | <u>Date Issued</u> | <u>Kind</u> | <u>Variety Name</u> | <u>Owner</u> |
|------------------|--------------------|-------------|---------------------|-----------------------------|
| 7200087 | 8/8/75 | Marigold | Gypsy Sunshine | Joseph Harris Company, Inc. |
| 7605018 | 9/28/77 | Marigold | Cabaret Orange | Joseph Harris Company, Inc. |
| 7800033 | 12/21/78 | Radish | Fancy Red | Joseph Harris Company, Inc. |
| 7800086 | 1/25/79 | Lettuce | Deep Red | Joseph Harris Company, Inc. |
| 8200045 | 9/23/82 | Turnip | Royal Gem | Joseph Harris Company, Inc. |
| 8200068 | 12/30/82 | Egg Plant | Little Fingers | Joseph Harris Company, Inc. |
| 8300024 | 12/30/83 | Radish | Red King | Joseph Harris Company, Inc. |

DEED OF ASSIGNMENT

WHEREAS, Les Produits Organiques du Santerre - ORSAN (S.A.), a French corporation having a place of business at 16 rue Ballus, 75009 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Les Produits Organiques du Santerre
- ORSAN (S.A.)

Date: 11/11/95



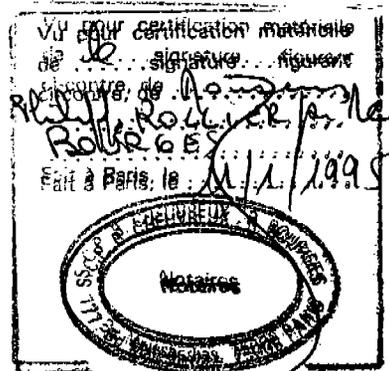
PHILIPPE ROLLIER
Print Name

PRESIDENT
Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

(Notaire)

Seal/Stamp



DEED OF ASSIGNMENT

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Clause (S.A.), a French corporation having a place of business at 1 Avenue Lucien Clause, 91221 Bretigny sur ORGE Cedex, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Date: 11/11/95

Arisix (S.A.)

[Handwritten signature]

P DE SAINT RAPT

Print Name

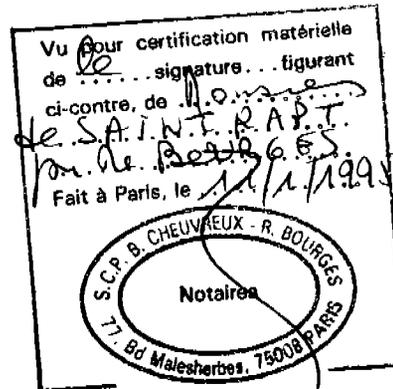
PRESIDENT

Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

(Notaire)

Seal/Stamp



EXHIBIT

| Certif. # | Date Status Begins | Crop | Variety Name |
|--------------------|---------------------|--------------------|----------------------|
| 7600032 | 09/15/77 | Lettuce | Vanagara |
| 7600039 | 12/08/77 | Lettuce | Morangold |
| 7605018 | 09/28/77 | Marigold | Cabaret Orange |
| 7800028 | 05/31/79 | Muskmelon | Valley Gold |
| 7800033 | 12/21/78 | Radish | Fancy Red |
| 7800086 | 01/25/79 | Lettuce | Deep Red |
| 7900038 | 01/14/82 | Garden Bean | Blue Duet |
| 7900039 | 07/15/82 | Garden Bean | Score |
| 7900066 | 11/27/79 | Cauliflower | Snowball 123 |
| 8000020 | 07/31/80 | Muskmelon | Top Net |
| 8000082 | 12/10/81 | Lettuce | Delmar |
| 8100167 | 3/29/85 | Lettuce | Yuma |
| 8100172 | 09/29/83 | Lettuce | Van Mor |
| 8200027 | 04/23/83 | Lettuce | El Toro |
| 8200045 | 09/23/82 | Turnip | Royal Gem |
| 8200061 | 03/24/83 | Watermelon | Sun Gold |
| 8200068 | 12/30/82 | Egg Plant | Little Fingers |
| 8200104 | 10/28/82 | Tomato | Advantage |
| 8200105 | 11/26/82 | Tomato | Moran 3053 |
| 8300024 | 12/30/83 | Radish | Red King |
| 8300113 | 08/31/84 | Muskmelon | Top Net SR |
| 8300155 | 02/22/85 | Celery | Bishop |
| 8300156 | 01/25/85 | Celery | Deacon |
| 8300172 | 11/29/85 | Tomato | Harris Morgan 3075 |
| 8400013 | 2/19/88 | Lettuce | Greenfield |
| 8600032 | 03/11/88 | Tomato | Murrieta II |

Expired
Expired
Expired

REFERENCE SLIP

12-6-78

TO

Linda

Examiner?

- | | |
|--|---|
| <input type="checkbox"/> ACTION | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> PER PHONE CALL |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> FOR COMMENT | <input type="checkbox"/> REPLY FOR SIGNATURE OF |
| <input type="checkbox"/> FOR INFORMATION | <input type="checkbox"/> RETURNED |
| <input type="checkbox"/> INITIALS | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> NOTE AND FILE | <input type="checkbox"/> YOUR SIGNATURE |

REMARKS

Who has this
file? Also:
isn't this
fee late? Or
was there an
extension?

Submitted 8/15/78

Resubmitted 9/7/78

haven't seen it since

JF

FROM

M.C.

Check returned
note in folder
said return
check #
14460

This has
been paid
twice